



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

May 6, 2019

The Honorable Katie Hobbs
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Hobbs:

I am transmitting to you the following bills from the Fifty-fourth Legislature, 1st Regular Session, which I signed on May 6th, 2019:

H.B. 2367 limited audit review; electronic portal (Toma)
S.B. 1036 Arizona medical board; continuation (Brophy-McGee)
S.B. 1169 medical record reproductions; fees; exception (Carter)
S.B. 1245 vital records; death certificates (Brophy-McGee)

Sincerely,

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

House Engrossed Senate Bill

FILED
KATIE HOBBS
SECRETARY OF STATE

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 171
SENATE BILL 1169

AN ACT

AMENDING SECTION 12-2295, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-422.01; RELATING TO MEDICAL RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 12-2295, Arizona Revised Statutes, is amended to read:

12-2295. Charges

A. Except as otherwise provided by law, a health care provider or contractor may charge a person who requests ~~copies~~ REPRODUCTIONS of medical records or payment records a reasonable fee for the ~~production~~ REPRODUCTION of the records PURSUANT TO THIS SECTION. Except as necessary for continuity of care, a health care provider or contractor may require the payment of any fees in advance.

B. A health care provider or contractor shall not charge for the pertinent information contained in medical records provided to:

1. Another health care provider for the purpose of providing continuing care to the patient to whom the medical record pertains.

2. The patient to whom the medical record pertains for the demonstrated purpose of obtaining health care.

3. The health care decision maker of the patient to whom the medical record pertains for the demonstrated purpose of obtaining health care for the patient.

4. The Arizona medical board, the ARIZONA board of osteopathic examiners in medicine and surgery or an officer of the department of health services or the local health department requesting records pursuant to section 36-662.

5. THE PATIENT OR THE PATIENT'S LEGAL REPRESENTATIVE FOR THE PURPOSE OF APPEALING A DENIAL OF BENEFITS UNDER THE SOCIAL SECURITY ACT. ANY ADDITIONAL REQUEST FOR MEDICAL RECORDS AND A REQUEST FOR MEDICAL RECORDS THAT WERE PREVIOUSLY PROVIDED FREE OF CHARGE IN THE SAME CALENDAR YEAR ARE SUBJECT TO A REASONABLE FEE PURSUANT TO SUBSECTION A OF THIS SECTION, EXCEPT THAT A FEE MAY NOT BE CHARGED IF NO MEDICAL RECORDS ARE LOCATED IN RESPONSE TO THE REQUEST. A LEGAL REPRESENTATIVE MUST PROVIDE AN APPOINTMENT OF REPRESENTATIVE FORM SSA-1696 BEFORE OBTAINING A PATIENT'S MEDICAL RECORDS FREE OF CHARGE.

Sec. 2. Title 36, chapter 4, article 2, Arizona Revised Statutes, is amended by adding section 36-422.01, to read:

36-422.01. Health care institutions; termination of operation; medical records; civil penalties; definition

A. IN ADDITION TO THE REQUIREMENTS PRESCRIBED IN SECTION 36-422, SUBSECTION D, IF A CURRENT LICENSEE INTENDS TO TERMINATE THE OPERATION OF A LICENSED HEALTH CARE INSTITUTION, THE CURRENT LICENSEE SHALL DO ONE OF THE FOLLOWING BEFORE THE HEALTH CARE INSTITUTION CEASES OPERATION:

1. PROVIDE EACH PATIENT OF THE HEALTH CARE INSTITUTION WITH THE PATIENT'S MEDICAL RECORDS.

2. TRANSFER THE HEALTH CARE INSTITUTION'S MEDICAL RECORDS TO A THIRD-PARTY ENTITY TO ENSURE PATIENT ACCESS TO THE MEDICAL RECORDS.

1 B. IF A PATIENT OR A PATIENT'S HEALTH CARE DECISION MAKER REQUESTS
2 ACCESS TO OR COPIES OF THE PATIENT'S MEDICAL RECORDS, THE HEALTH CARE
3 INSTITUTION OR THIRD-PARTY ENTITY IN POSSESSION OF THE MEDICAL RECORDS
4 SHALL PROVIDE ACCESS TO OR COPIES OF THE MEDICAL RECORDS TO THE PATIENT OR
5 THE PATIENT'S HEALTH CARE DECISION MAKER IN ACCORDANCE WITH TITLE 12,
6 CHAPTER 13, ARTICLE 7.1.

7 C. A LICENSEE THAT FAILS TO COMPLY WITH SUBSECTION A OF THIS
8 SECTION IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$10,000. THE
9 DIRECTOR MAY USE A LICENSEE'S FAILURE TO COMPLY WITH SUBSECTION A OF THIS
10 SECTION AS GROUNDS TO DENY A SUBSEQUENT LICENSE PURSUANT TO SECTION
11 36-425, SUBSECTION K.

12 D. FOR THE PURPOSES OF THIS SECTION, "MEDICAL RECORD" HAS THE SAME
13 MEANING PRESCRIBED IN SECTION 36-2201.

APPROVED BY THE GOVERNOR MAY 6, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 6, 2019.

Passed the House April 16, 2019,

by the following vote: 31 59 Ayes,

290 Nays, 01 Not Voting

R. N. Blum

Speaker of the House
pro tempore

Jim Drake

Chief Clerk of the House

Passed the Senate February 20, 2019,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Karen Fann

President of the Senate

Susan Pearce

Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of~~

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

S.B. 1169

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 30, 2019

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Karen Foss

President of the Senate

Susan Owens

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

30th day of April, 20 19

at 1:46 o'clock P M.

[Signature]

Secretary to the Governor

Approved this 6th day of

May 2019

at 11:17 o'clock A M.

[Signature]

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 6 day of May, 20 19

at 3:58 o'clock P M.

[Signature]

Secretary of State

S.B. 1169